

III. REMARKS

In the Office Action, claims 1-3, and 7-12, and 14-22 were rejected under 35 U.S.C. 102 as being anticipated by Tuomela (US 2001/0031633), claims 4-6 were rejected under 35 U.S.C. 103 as being unpatentable over Tuomela in view of Silverman (US 6,035,031), and claim 13 was rejected under 35 U.S.C. 103 as being unpatentable over Tuomela for reasons set forth in the Office Action.

With respect to the rejections under 35 U.S.C. 102 and 103, various ones of the claims are amended and the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, considered individually and in combination, thereby to overcome the rejections and to show the presence of allowable subject matter in the claims.

The examiner has established the criteria (page 3 of the Action) that there is no communications connection with the receiving party until the receiving party answers the telephone (using the broadest interpretation of the claim language). Accordingly, the language (present claim 1) "before setting up an electrical communications connection between a calling party of said group of parties and a receiving party of said group of parties" is believed to be understood by the examiner to mean an actual speaking with the receiving party. With this interpretation, a communication from the calling party to the answer machine of the receiving party, but without actual conversation with the person of the receiving party, would meet the claim language "before setting up an electrical communications connection between a calling party of said group of parties and a receiving party of said group of parties".

To counter the examiner's position, the independent claims are amended to show that the selecting process is accompanied by communication with the calling party's activity server before any establishment of communication paths to the receiving party. Accordingly, the language (the quoted passage of present claim 1) is deleted from claim 1 because (in the opinion of the examiner) it covers the situation wherein the

communication reaches the answer machine of the receiving party, even if the receiving party does not answer the phone. In place of the deleted language, there is introduced a step in which a calling party of the group of parties selects a receiving party of the group of parties by communication with the activity status server and the activity logs (of the calling party). The foregoing selecting step finds support in the specification on page 6 at line 13, wherein the specification teaches that the target is selected in step 31; and step 31 (Fig. 3) shows the dialing of the number of the target.

Claim 1 states further that the setting up of the electrical communications connection between the calling party and the server results in a connection of the calling party to an activity log provided by the server, this enabling the calling party to make a check from the activity log of the receiving party to obtain information concerning the ability of the receiving party to receive a message sent by the calling party. The claim concludes with a statement that, based on that information, there is a making of a decision about the establishment of the communications connection between said calling party and said receiving party.

Corresponding language is found in the amendatory passages of the other independent claims 4, 9, 14, and 16.

In view of the amendments to the independent claims, the claims do not reach the subject of attempting to initiate a communication with a receiving party by the calling party until after the calling party with his equipment, namely, the terminal and the activity server, have accomplished the selection of a specific receiving party. This amended language of claim 1 cannot be read on the answering machine of Tuomela, and the various options made available by the answer machine of Tuomela, considered alone or in combination with the other references.

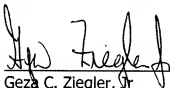
In view of the foregoing argument, it is believed that the foregoing amendments to the independent claims overcome the grounds of rejection based on Tuomela considered individually and in combination with Silverman, so as to provide allowable subject

matter in the claims. It is noted that Silverman is employed to show only one feature, and does not alter the foregoing argument advanced against the primary reference Tuomela.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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18 Dec 2008
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